May 2002

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**Comment**: Several commenters expressed positive comments about the public involvement plan.

- AI think the public is better informed about this project than is usual. The company seems responsive to public opinion.@
- -ADraft plan looks good.@
- -AI think you are doing a great job of involving the public & I find this Update #1 very helpful.@
- -ASeems like you have made an effort to include all interested parties. Good job....The entire plan sounds as if you are making an effort to include many different interest groups in the political process.@
- -AI like the proposed plan....I especially appreciate the plan to provide additional graphics....The hearings are essential, and I sincerely appreciate your having two of them.@

**Response**: Comments noted.

**Comment**: Sounds expensive; where do the funds come from?

**Response**: Many of the costs are covered by the applicant, Teck-Pogo, Inc. Although the applicant pays the contractor, EPA guides the work. Costs incurred by EPA are covered by EPA.

**Comment**: Navigating around the web site can be a challenge.

**Response**: EPA wants the Pogo EIS Process web site (<a href="www.epa.gov/r10earth/pogo.htm">www.epa.gov/r10earth/pogo.htm</a>) to be a useful and easy way for the public to get information about the EIS process. The web site is still under construction, and we are looking for ways to ease navigation. Continued feedback about the site is helpful, and EPA welcomes specific suggestions for improvements.

**Comment**: Why there is an extended 60 day review of the EIS?

**Response**: A review period of at least 45 days is required by law. However, due to the complexity of the project and the high degree of public interest, EPA decided to extend the comment period to ensure that the public has adequate time to review and comment on the document.

**Comment**: AGreat to have public input as long as this input is not used by the environmentalists to stall the project.@

**Response**: EPA wants to ensure that all interested and affected individuals get the information they want, have opportunities to provide input to decisions that could effect their communities, and feel confident that their views are considered in EPA=s decisions. Public input from all stakeholders is essential. All comments from a wide spectrum of viewpoints will be carefully considered before completing the EIS.

**Comment**: The proposed alternative road routes and boundaries of the TVSF should be portrayed on the map. Future updates and the EIS process should discuss the proposed roads to the mine and the role these roads could have on proposed timber sales within the TVSF.

**Response:** The Draft EIS will directly address the road access options and provide detailed information about those options and their evaluation, including the implications for timber sales. Detailed maps will be included. More information about road access options can be found on EPA=s Pogo Mine web site at <a href="https://www.epa.gov/r10earth/pogo.htm">www.epa.gov/r10earth/pogo.htm</a>.

**Comment**: Four commenters expressed concern about the emphasis on AGovernment-to-Government@relationship with Tribes.

**Response**: The federal government is required by law to recognize and consult with federally recognized Tribes as sovereign nations. There are numerous laws, policies, guidance, and executive orders that lay out the requirements for consultation with these governments. EPA's American Indian Environmental Office website presents some of these documents: http://www.epa.gov/indian/index.htm

In addition, Governor Tony Knowles issued Administrative Order No. 186, which recognizes the sovereign rights of Tribes in Alaska. This order can be found at: http://www.gov.state.ak.us/admin-orders/186.html

Here is an excerpt from his order:

"The recognition of Tribes is a function of the federal government. The federal recognition of Tribes arises out of the special relationship between the United States and Tribes. Tribes can be federally recognized as having Tribal status by Congressional Act, executive action, or judicial determination.

Tribes existed in Alaska before the formation of the United States and the State of Alaska. The existence of Tribes in Alaska, and their inherent sovereignty, has been recognized by all three branches of the federal government."

"The State of Alaska's Relationship with Tribes

I declare that it is the commitment and policy of the State of Alaska, consistent with the Constitutions of the United States and the State of Alaska, to work on a government-to-government basis with Alaska's sovereign Tribes, which deserve the recognition and respect accorded to other governments. The State of Alaska has a long-standing commitment to local self-government that is rooted in the belief that the best and most effective solutions to local problems are those that are conceived locally.

The State recognizes the value in establishing a comprehensive and mutually respectful State-Tribal relations policy in an effort to promote and enhance Tribal self-government, economic development, a clean and healthy environment, and social, cultural, spiritual, and racial diversity. The State is committed to working with Tribes to further strengthen Alaska's ability to meet the needs of Alaska's communities and families."

Comment: According to the August Draft, the government activity to work on this would be through various state and federal agencies such as DNR, DEC, F&WS etc. etc. Update #1 provides no information from any of these agencies. The comments from the various Native groups are indeed pertinent and can be addressed, but where are comments from the people and agencies most involved and affected by Pogo? This is primarily the people of the Delta area; and the State=s DNR, which has the primary responsibility for the lands affected. If you are to include Tribal groups, what about other political groups, such as the FNS borough, District 36 and Senate district R, all of which are affected by any action.@

All feel that, while your Scoping process should consider comments from <u>anyone</u> who cares to respond, a higher priority should be given to concerns of the people and agencies <u>most</u> affected... @

**Response**: Throughout the EIS process, EPA will work closely with a number of state and federal government agencies, in addition to Tribal governments. Additionally, EPA is soliciting and considering input from a wide range of individuals and other groups. The first Update focused on work with Tribal governments in an effort to clearly explain the government-to-government relationship with Tribes. The Update did not provide enough information on the concerns of other stakeholders. Update #1's emphasis on Tribal participation was in no way intended to diminish the concerns or involvement of other stakeholders. All input will be considered, regardless of its source. EPA will ensure that future Updates reflect the involvement of all stakeholder groups.

**Comment**: "What criteria did you use to determine just who would be affected by Pogo? I can understand the area of the Tanana Valley drainage within a 50 mile radius of Pogo; why has this been changed to 125 miles? What affect will Pogo have on people in Circle or Nenana, not to mention the dozens of other small towns and villages not mentioned, that are no where near the proposed Pogo project.@

**Response**: We are looking at communities that may be affected by either the short term impacts of the gold mine or long term impacts from potential development in the area. In addition, we are looking at potential impacts to natural resources and wildlife resources in this area that may potentially affect those communities that beyond a 50 mile radius of the mine.

Nenana, Tanana, and Minto are all down stream from the Goodpasture River and rely heavily on anadromous fish for food which spawn in tributaries of the Tanana river. If water quality or habitat impacts affect the spawning streams of salmon, these communities may be impacted.

Finally, there may be individuals who live in these outlying villages that have historical or cultural ties to the area, and we plan to include these individuals in the consultations.

**Comment**: AWe believe separate consultations and language translations with illegal tribes and foreigners is very inappropriate and an excessive cost to taxpayers.@

**Response**: (See earlier response regarding government-to-government consultations.) In regard to involving the Russian community, EPA has a legal obligation to extend Environmental Justice consideration to communities that may be disproportionately impacted by the project. Executive Order 12898 assures that low income and minority communities that are disproportionately impacted by Agency actions be given the opportunity to participate in the decisions that will impact them. To encourage meaningful participation from these communities, EPA must ensure that information about its actions are communicated in a form that is easily understood by the community. This includes translating written and verbal information into the languages of the community.

EPA is committed to involving a wide range of stakeholders. All community members, including the Russian-speaking community, must be given a fair opportunity to participate in the process.

## Full text of comments, transcribed from 9 comment forms, one email, and one letter.\*

\*Comments regarding the project or EIS process which were received on the Draft Public Involvement Plan comment form are not included here. Those comments are being considered separately by the project manager.

AI think the public is better informed about this project than is usual. The company seems responsive to public opinion.@

ADraft plan looks good.@

AI think you are doing a great job of involving the public & I find this Update #1 very helpful. I look forward to receiving future publications and attending your meetings.@

ASeems like you have made an effort to include all interested parties. Good job. Sounds expensive though; where do the funds come from? The entire plan sounds as if you are making an effort to include many different interest groups in the political process. Good luck.@

AI like the proposed plan, but must tell you that navigating around the Region 10 web site can be a challenge. I especially appreciate the plan to provide additional graphics. I=m curious as to why there is an extended 60 day review of the EIS? The hearings are essential, and I sincerely appreciate your having two of them.@

AGreat to have public input as long as this input is not used by the environmentalists to stall the project.@

AThank you for Update #1 on the Pogo Mine EIS....it is my experience that maps are very useful for conveying and discussing forest issues. In Update #1 you mention the proposed alternative road routes yet those routes are not portrayed on the map. I think they should be. Also, the boundaries of the TVSF should be shown on these maps, the future updates, and the EIS process should discuss the proposed roads to the mine and the role these roads could have on proposed timber sales within the TVSF....more explicit maps, showing proposed road alignments and TVSF boundaries, would provide the information required to comment both on the proposed mine and the effects the road could have on the future of the TVSF.@

AWe believe separate consultations and language translations with illegal tribes and foreigners is very inappropriate and an excessive cost to taxpayers.@

AAs a lifelong Alaskan, born here in 1949 and who has raised a family here I do not appreciate the \*government to government=approach with the native groups. We are \*all=Alaskans & Americans & this only serves to promote more racial divide.@

AWe must find a way to hold federal employees accountable for their actions. This is a good

example. In an effort to be politically correct the EPA is wasting money, time and private business resources with a exercise in futility. Almost all of these native groups have nothing to do with this project and are adequately protected and represented by the same hearings held for Fairbanks and Delta communities. This is an obvious effort to drag out the time and increase the project expenses! This is nonsense.@

AJust received Update #1 of the EIS study of the Pogo mine, and feel obliged to make comment. A curious process, this Agovernment to government@consultation. According to the August Draft, the government activity to work on this would be through various state and federal agencies such as DNR, DEC, F&WS etc. etc. Update #1 provides no information from any of these agencies. The comments from the various Native groups are indeed pertinent and can be addressed, but where are comments from the people and agencies most involved and affected by Pogo? This is primarily the people of the Delta area; and the State=s DNR, which has the primary responsibility for the lands affected. If you are to include Tribal groups, what about other political groups, such as the FNS borough, District 36 and Senate district R, all of which are affected by any action.

AWhat criteria did you use to determine just who would be affected by Pogo? I can understand the area of the Tanana Valley drainage within a 50 mile radius of Pogo; why has this been changed to 125 miles? What affect will Pogo have on people in Circle or Nenana, not to mention the dozens of other small towns and villages not mentioned, that are no where near the proposed Pogo project. I feel that, while your Scoping process should consider comments from anyone

who cares to respond, a higher priority should be given to concerns of the people and agencies most affected (and no, that does not include myself).@